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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/590,381

06/25/2007

Juha Telimaa

2747-9

6986

23117 7590 12/19/2008  
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EXAMINER

BELLAMY, TAMIKO D

ART UNIT

PAPER NUMBER

2856

MAIL DATE

DELIVERY MODE

12/19/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/590,381	TELIMAA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	TAMIKO D. BELLAMY	2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/25/07</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Scordato et al. (4,821,586).

Re claims 1 and 4, as depicted in figs. 1, 2, and 6, Scordato et al. discloses a piston (23) actuated in a cylinder (e.g., cylindrical barrel section 21) by a motor (61) (Col. 3, lines 6-9; Col. 4, lines 35-37). Scordato et al. discloses a control system (e.g., control unit 11) enabling the piston (23) to be moved under a given pipetting function (Col. 2, lines 49-68). Scordato et al. setting keys {e.g., combination of program key (100) for selection pipette operation, yes key (102), no key (101), and exit key (103) for enabling the technician to select another operation mode} for selecting the desired pipetting function (e.g., pipetting operation selected from liquid dispensing operation, multi-dispense operation, dilute mode, and titration operation (Col. 2, lines 59-62; Col. 6, lines 3-11; Col. 9, lines 20-23). As depicted in figs. 6, and 9-14, Scordato et al. discloses selecting a pipette mode operation (1-6) by pressing/activating the yes key (102) on the control unit (11). By pressing/activating the yes key (102), the program advances to the next step or stage (Col. 6, lines 50-55) (See figs 9-14). Therefore the yes

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key (102) functions as a switch for activation the function steps when depressed as claimed. Scordato et al. discloses the control system (e.g., control unit 11) comprises a change function (e.g., selection of another pipette operation mode) whose activation (e.g., pressing the exit key (103)) allows a selected function (e.g., pipette operation mode) to be changed (e.g., enabling the technician to selecting another pipette operation mode) in the course of operation (**any time during the pipetting operation**) (e.g., exit key (103) enabling the technician to select another pipette operation) (Col. 9, lines 20-23). Scordato et al. discloses when the change function (e.g., selection of another pipette operation mode) can be activated (e.g., pressing exit key (103), the operation of a given setting key changes (the display (15) query “1 the Dispensing Mode the enable the technician to select another pipetting operation mode). Scordato et al. discloses the changed operation of the setting key (e.g., program key (100)) is shown on the display (15) (Col. 9, lines 20-23). Scordato et al. discloses the changed operation of the setting key (e.g., program key (100)) is activated by depressing this setting key (e.g., yes key (102)).

Re claim 2, Scordato et al. discloses the change function comprises switching from the selected pipetting function (e.g., pipetting operation mode) to another (Col. 9, lines 20-23).

Re claims 3 and 5, Scordato et al. discloses the setting keys (101, 103, 102) include at least one selection key (e.g., program key (100) for selection pipette operation, and a yes key 102).

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***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAMIKO D. BELLAMY whose telephone number is (571)272-2190. The examiner can normally be reached on Monday - Friday 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tamiko Bellamy

/TB/

December 17, 2008

/Hezron Williams/

Supervisory Patent Examiner, Art Unit 2856